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## REMARKS

**Rejection of Claims 1-30, under 35 U.S.C. §103(a), over Barbachyn *et al.* (U.S. Patent No. 5,688,792) in view of Hilliard (Kalamazoo College Student Paper)**

The only ground for rejecting any of the claims of the present patent application maintained in the final Office Action is a rejection of Claims 1-30, under §103(a), over Barbachyn *et al.* in view of Hilliard. Applicants responded to this same rejection in response to the preceding two Office Actions by stating that the Hilliard reference was an internal document which was not published on the date printed on the front page of the document (Fall 1999). Specifically, Applicants stated that the document was produced by a Kalamazoo College student doing a summer internship at Pharmacia & Upjohn Company, and that the document had been submitted to a professor at Kalamazoo College before the subject matter of the document was disclosed by the student in an oral presentation at Kalamazoo College in February 2000. (Request for Reconsideration, filed Nov. 3, 2003, page 7). Applicants submitted a Declaration by Dr. Sandra Sims, Under 37 CFR §1.131, as evidence that the present claimed invention was invented on or before January 2000, prior to the oral presentation. (Amendment and Request for Reconsideration, filed May 27, 2004; see discussion of relevant dates on page 4).

Attorney for Applicant, Karen King, spoke with Examiner Delacoix-Murheid by telephone on October 29, 2004. In the course of the conversation, Ms. King reviewed the facts, as set forth in the preceding two Office Action responses, regarding the confidential and internal nature of the subject matter of the Hilliard paper, at least up until the oral presentation in February 2000. The Examiner suggested Applicant submit proof, in the form of a sworn affidavit from the Kalamazoo College professor to whom Robert Hilliard submitted the Hilliard paper, that the paper and its contents were kept confidential by the professor, at least until after the oral presentation in February 2000. Applicant respectfully submits that the Declaration by Dr. Jeffrey Bartz, under 37 CFR §1.131, transmitted herewith, provides the evidence confidentiality suggested by the Examiner.

For reasons set forth above, and in view of evidence set forth in the Bartz Declaration, Applicant respectfully submits that the Hilliard paper is not available as a prior art reference. Applicant submits, furthermore, that Barbachyn *et al.*, alone fails to teach or suggest the invention of claims 1-30. Therefore, Applicant respectfully requests that the rejection of claims

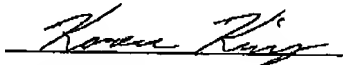
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1-30 over Barbachyn *et al.* in view of Hilliard be withdrawn, and that all the claims of the present application be allowed.

The Examiner is invited to contact the undersigned at the telephone number given below, should she wish to discuss the present request for reconsideration.

Dated: Nov. 23, 2004

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